IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 5494 of 1999

Between:

1. P. Satyanarayana, s/o. Kama Raju, Aged 35 years,
Door No. 3-8-37/C, Gajula

Veedhi, Srikakulam District.
2. V. Ravi Kumar s/o. Narayana Swamy, Aged 32 years,
r/o. D.No. 7-6(1)-358,

Reddika Veedhi, Srikakulam Dist
3. A. Murali Venkata Venugopala Krishna, s/o. Venkata Ratnam ,

Aged years, Ambakandi (village & Post)
Regidi Amadalavalasa Mandal, Srikakulam District.

..... PETITIONERS

AND

1. Regional Manager, APSRTC Srikakulam Division,
Srikakulam District.
2. Vice- Chairman and Managing Director, APSRTC. Musheerabad,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the affidavit filed herein the High Court may be pleased to declare the action of the Respondents in rejecting the case of the petitioners for absorption into APSRTC service as per the orders of this Hon'ble Court in W.P.No. 20309 of 1998 dt. 22.7.1998 is highly arbitrary, unreasonable, discriminatory and violative of Article 14 of the Constitution of India and as such illegal and further direct the respondents to absorb the petitioners herein forth with.

Counsel for the Petitioner: MR.B.GAJENDER REDDY

Counsel for the Respondent Nos.1 and 2: SMT.B.G.UMA DEVI (S.C.FOR APSRTC)

The Court made the following:

O R D E R:

Heard the learned counsel appearing for the petitioners and also the learned standing counsel appearing for respondent-Corporation.

The petitioners, who claim to be the displaced employees, as a consequence of the nationalization scheme enunciated for and on behalf of the respondents-Corporation, filed this writ petition, *inter alia,* seeking a Mandamus declaring the action of the respondents in rejecting their case for absorption into service, as already directed in terms of the orders passed in W.P.No.20309 of 1998.

The case of the petitioners, in brief, is that having regard to nationalization scheme, the petitioners, who worked under the erstwhile owners of the vehicle, are entitled to be considered for appointment in the respondent-Corporation herein on par with several other similar such employees, who have been displaced as a consequence of nationalization. On earlier occasion, the petitioners have filed W.P.No.20309 of 1998 and the same was disposed of on 22-07-1998 directing the respondents to consider the case of the petitioners for absorption. However, without giving proper credence to the said orders, the respondents have rejected their case by the impugned order dated 21-01-1999 only on the ground that there is total ban on further absorption and appointment of displaced

employees into the service of the Corporation in view of circular issued by them dated 16-07-1998. Hence, the writ petition.

In the counter-affidavit filed by the respondents herein, it is submitted that the petitioners have not specified about their working under the erstwhile owners of the vehicle and had not furnished any particulars and further the petitioners did not appear for the interview also. Apart from this, several other objections were sought to be pointed out.

Considering the submissions made on both sides and also on perusal of the record, the only question which falls for consideration is whether the petitioners are entitled to be considered for appointment and absorption into the service of the respondent-Corporation, being displaced employees, consequent upon the nationalization scheme.

There is no dispute with regard to the fact that the petitioners have been questioning the aforesaid remedy to the respondent-Corporation, which led to filing of the earlier WP.No.20309 of 1998, which was disposed of by this Court as per orders dated 22-07-1998, whereunder a direction was given to the respondents to consider their case. In the rejection order, the only reason shown by the respondent-Corporation is the ban imposed by the Corporation. The other reasons, as sought to be shown in the counter-affidavit, are not shown in the impugned order. It is well settled that any reason which is not part of the order, cannot be sought to be introduced through counter-affidavit and cannot be accepted.

In view of the fact that the petitioners have pointed out that the respondent-Corporation appointed more than hundred employees as Conductors even subsequent to the said ban, there is no justification in rejecting the petitioner's case. Consequent to nationalization scheme, displaced employees have to be provided with alternative employment. In view of the same, I do not find any justification in rejecting the case of the petitioners merely on such ground.

` The writ petition is accordingly allowed directing the respondents to consider the case of the petitioners afresh on merits for absorption

into service, subject to satisfaction as to their employment under the erstwhile owners of the vehicle in question. It shall be open for the petitioners to file appropriate detailed representation pointing out all these aspects and also by giving details and further proof in support of their earlier employment, which will be considered on merits and disposed of in accordance with law. No costs.

_____

29-12-2004.

Lrkm.

That Rule Nisi is made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Friday the thirty first day of December Two thousand and Four.

-

-

.....REGISTRAR

To

1. Regional Manager, APSRTC Srikakulam Division,
Srikakulam District.
2. The Vice- Chairman and Managing Director, APSRTC.

Musheerabad, Hyderabad.

3. 2CD copies.